

## **EXHIBIT 10**

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

2 -----X  
3 THE AUTHORS GUILD, INC., et al.,

4 PLAINTIFFS,

5 -against- Case No:  
6 05CV8136 (DC)

7 GOOGLE INC.,

8 DEFENDANT.  
9 -----X

10 DATE: January 4, 2012

11 TIME: 1:05 P.M.

12

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14 DEPOSITION of a Plaintiff, BETTY MILES, taken  
15 by the Defendants, pursuant to a Notice and to the  
16 Federal Rules of Civil Procedure, held at the offices of  
17 MILBERG, LLP, One Pennsylvania Plaza, New York, New York  
18 10119, before Deborah Garzaniti, a Notary Public of the  
19 State of New York.

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## B. MILES

1 owns the rights to, that's my right and that's the right  
2 of every author, so.

3 Q. Do you consider that an economic right?

4 A. Among others.

5 Q. Have you lost any sales of books as a  
6 result of Google Books?

7 A. I have no way of knowing that.

8 Q. Do you think that Google scanning and a  
9 snippet display of your out of print books has resulted  
10 in lost sales?

11 MR. BONI: Objection to form. You can  
12 answer.

13 A. I don't know.

14 Q. Do you think that Google scanning and a  
15 snippet display of your out of print books has resulted  
16 in economic harm to you in the form of lost sales?

17 A. No.

18 Q. Have you done anything to try to find out  
19 whether there have been any lost sales?

20 A. No.

21 Q. Are any of your books currently in print?

22 A. It is a little unclear. Most of them are  
23 out of print. Some of them are in print in certain  
24 versions and not in ours, and publishers hold on to the  
25 category in print as long as they possibly can.

## B. MILES

1 marked as Miles Exhibit 2 for identification as of this  
2 date by the Reporter.)

3 Q. I have put in front of you what has been  
4 marked as Miles Exhibit 2. Do you recognize what is  
5 depicted here?

6 A. Yes.

7 Q. What is it?

8 A. A page from the book called The Real Me.  
9 I don't know if it is a full page or not, actually not.

10 Q. In the upper right corner do you see the  
11 Amazon logo. It is a little dim.

12 A. It is too dim.

13 Q. Do you see in the upper right corner you  
14 see Look Inside? The upper left corner. Sorry.

15 A. Yes.

16 Q. Have you used the Look Inside feature?

17 A. No.

18 Q. Do you know that this much of a page of  
19 The Real Me was available to be viewed on Amazon.com?

20 A. No.

21 Q. Do you object to Amazon.com of making  
22 this much of a page available on Amazon.com?

23 A. As I just said, the usual small bit is  
24 what I expect and would prefer to see.

25 Q. Do you think that the availability of as

## B. MILES

1 much text as you see here on Exhibit 2 could harm sales  
2 of The Real Me?

3 A. Oh, probably not.

4 Q. Why not?

5 A. Well, it gives a flavor of the style.

6 Q. Any other reason?

7 A. No.

8 Q. Did you authorize Amazon to display this  
9 much of a page of The Real Me on Amazon.com?

10 A. No.

11 Q. Do you know if anyone did?

12 A. No, I don't.

13 Q. Do you know if the The Authors Guild?

14 A. I doubt it.

15 MR. BONI: Don't guess, Betty. Say what you  
16 want. Don't doubt or not doubt.

17 A. I don't know.

18 MR. BONI: He doesn't want your guesses. He  
19 wants to know what you know.

20 Q. Looking again at Exhibit 2, you said that  
21 this particular excerpt wasn't something that you  
22 objected to because it gave a flavor of the book. Is  
23 there any --

24 A. I didn't say -- first I said I thought I  
25 didn't object to it, then second you said why would

## B. MILES

1 Q. How?

2 MR. BONI: The search for Annie is the  
3 question.

4 A. Yes.

5 MR. BONI: Make sure you understand the  
6 question.

7 A. I don't understand. That's the key word  
8 for the search.

9 Q. Yes.

10 A. No, I don't know.

11 Q. Focusing your attention on the three  
12 snippets that are shown on the first page of Exhibit 8,  
13 could a person read these snippets and then not need to  
14 buy The Trouble With Thirteen?

15 MR. BONI: Asked and answered.

16 A. That's true. Yes, we did go through  
17 that.

18 Q. Sorry. What was the answer?

19 A. We did go through that earlier.

20 Q. Is it right that reading these three  
21 snippets is not a substitute of needing to buy a copy of  
22 The Trouble With Thirteen?

23 A. Yes.

24 Q. Turning to the fourth page of Exhibit 8,  
25 this is a similar web page, but you will see that the